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<b>TRANSMITTAL FORM</b>	Application Number	09/830,005	
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	First Named Inventor	Phillip G. Spaniol	
	Art Unit	3562	
	Examiner Name	Donald W. Underwood	
(to be used for all correspondence after initial filing)		Attorney Docket Number	ET0002R
Total Number of Pages in This Submission		6	

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**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Kevin D. Kaschke		
Signature	Kevin D. Kaschke		
Printed name	Kevin D. Kaschke		
Date	January 23, 2006	Reg. No.	35,747

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Signature	Kevin D. Kaschke		
Typed or printed name	Kevin D. Kaschke	Date	January 23, 2006

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PATENT APPLICATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*Examiner:* Donald W. Underwood  
(703) 308-1112 (ph)  
*Applicants:* Phillip G. Spaniol, Steven J. Spaniol and Kevin D. Kaschke  
*Intl. Appl. No.:* PCT/US98/18376 *Docket No.:* FT0002R  
*Intl. Filing Date:* 23 October 1998 *Priority Date:* None  
*Nat'l. Appln. No.:* 09/830.005 *Group Art Unit:* 3652  
*Nat'l. Filing Date:* 21 April 2001  
*Entitled:* Agricultural Bale Accumulator And Method Therefor

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Kevin D. Kaschke  
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January 22, 2006

Response

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Commissioner:

Responsive to the office action dated December 22, 2005 for the above-identified patent application, the applicant hereby submits the following response.

Application Status:

1. Under the present office action and the non-final office action dated April 5, 2005, claims 1-60 were pending in the application, of which claims 36-60 were withdrawn from consideration.
2. Claims 1-30 are rejected.
3. Claims 31-35 are objected to.
4. The drawings filed on April 21, 2001 are objected to.

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Applicant's response to each of the examiner's rejections:

I. The examiner rejected claims 1-15 and 17-30 under 35 USC 103(a) as being unpatentable over the known baler disclosed by applicants on page 1, lines 22-31 of the present specification, or newly cited Lundahl, et al (US Patent No. 4,951,452) in view of Vellidus, et al. and/or Hale, et al.

The present application teaches on page 1, lines 22-31: "An agricultural baler ("baler") is a widely used piece of mobile equipment which collects and compresses the crop material as it travels over the ground to produce a compact unit of crop, commonly referred to as a bale. The baler may comprise a motorized machine driven by an operator or, alternatively, may comprise a wheeled frame adapted for traveling alongside or behind a tractor. Typically, a baler is a wheeled chassis adapted for hitched connection to a tractor to be towed in tandem behind the tractor. After the baler forms a bale, a cord, such as wire or twine, is tied around the bale to hold the bale together in its compressed form. The baler ejects the tied bales periodically from a bale chamber of a baler as the baler travels over the ground. Each ejected bale may be directly discharged either to a bale accumulator or to the ground for later pick up by a bale collector in order to make the harvesting of the crop material more efficient and to decrease manual labor. Bales provided by either the bale accumulator or the bale collector may then be deposited on a vehicle, such as a tractor trailer, for hauling to another location for storage." (herein referred to as the "Applicant's disclosed baler")

Lundahl, et al teaches: "A hay baler including a trailer frame with a hitch for attachment to a prime mover and support wheels. A crop pick-up unit moves cut crop into a material storage area, from where it is moved into a bale chamber and is compacted by a compression unit and tied with twine before being discharged to ground from the rear of the trailer frame." (Abstract)

Vellidus, et al. teaches "a combine that removes harvested crop from a vine."

Hale, et al. teaches "a field mapping system for an agricultural vehicle, such as a combine, planter or cultivator."

Independent claims 1 and 26 each claim at least, for example: "An agricultural bale accumulator adapted to receive agricultural bales of crop material formed by and ejected from an agricultural baler ..."

The teachings Hale, et al. and/or Vellidus, et al. in combination with the teaching of the Applicant's disclosed baler or Lundahl, et al is not the same as and does not render

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obvious the claimed "agricultural bale accumulator adapted to receive agricultural bales of crop material formed by and ejected from an agricultural baler," for at least the following reasons.

Hale, et al. teaches "an agricultural vehicle, such as a combine, planter or cultivator," Vellidus, et al. teaches "a combine," and the Applicant's disclosed baler and Lundahl, et al each teach "a hay baler." By contrast, the claims claim "an agricultural bale accumulator." There is no basis in one or more of the four cited references for modifying one or more of the four cited references to meet the claimed limitation of "an agricultural bale accumulator."

Neither Hale, et al. nor Vellidus, et al. teaches or suggests the claimed "agricultural bales of crop material." Therefore, Hale, et al. or Vellidus, et al. is not properly modifiable by either the Applicant's disclosed baler or Lundahl, et al teaching of "a hay bale" when its intended function is destroyed because of the difference in the crop material among the cited references.

Neither Hale, et al. nor Vellidus, et al. teaches or suggests the claimed "an agricultural bale accumulator adapted to receive agricultural bales of crop material." Therefore, Hale, et al. or Vellidus, et al. is not properly modifiable by either the Applicant's disclosed baler or Lundahl, et al teaching of "a hay baler for producing hay bales" when its intended function is destroyed because of the difference in transporting the crop material among the cited references.

Neither Hale, et al. nor Vellidus, et al. teaches or suggests the claimed: "crop material formed by and ejected from an agricultural baler." Therefore, Hale, et al. or Vellidus, et al. is not properly modifiable by either the Applicant's disclosed baler or Lundahl, et al teaching of "a hay baler for producing hay bales" when its intended function is destroyed because of the difference in machinery forming and handling the crop material.

Nowhere does Hale, et al., Vellidus, et al., the Applicant's disclosed baler or Lundahl, et al, either alone or in combination, teach or suggest the use of site-specific farming (e.g., GPS) in combination with "an agricultural bale accumulator" and "agricultural bales of crop material," as claimed. There is no basis in one or more of the cited references for combining the teachings of the cited references or modifying the four cited references to meet the claimed limitations.

Nowhere does Hale, et al., Vellidus, et al., the Applicant's disclosed baler or Lundahl, et al, either alone or in combination, teach or suggest the problems or the problems' source, associated with the claimed "agricultural bale accumulator" and "agricultural bales of crop material." Therefore, teachings of the cited references, either alone or in combination, cannot

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provide a solution to the problems associated with the claimed "agricultural bale accumulator."

The cited references, in combination, teach away from the claimed limitations of the "agricultural bale accumulator adapted to receive agricultural bales of crop material formed by and ejected from an agricultural baler" because each of the cited references a different machine, a different way to control the machine, and a different way to transport the different crop material, and Hale, et al. and Vellidus, et al. each teach a different crop material and a different way to harvest the crop material.

For at least these reasons, the four cited references, either alone or in combination, require more than replacing manual means with mechanical or automatic means to accomplish the same results, as achieved by the present independent claims 1 and 26, for example.

Further, dependent claims 2-25 and dependent claims 27-35 include additional limitations that further define the present invention to further distinguish over the cited references.

For at least these reasons, the present independent claims 1 and 26 are patentable over the four cited references, either alone or in combination. Therefore, the applicant respectfully request that the examiner's rejection of claims 1-15 and 17-30, under 35 USC 103(a) as being unpatentable over the Applicant's disclosed baler, or newly cited Lundahl, et al in view of Vellidus, et al. and/or Hale, et al., be withdrawn.

2. The applicant respectfully submits that claims 1-35 claim an improved agricultural bale accumulator advantageously providing increased bale accumulating capacity, and/or intelligent bale accumulation and bale discharge operations to permit efficient, flexible, and desirable harvesting of hay and forage crop material. The features of the claimed agricultural bale accumulator and/or its associated advantages are not taught or suggested by the references of record, either alone or in combination.

3. In view of the foregoing, Applicant submits that all pending claims are in condition for allowance. Applicant respectfully requests the reconsideration and reexamination of this application and the timely allowance of the pending claims. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the phone number provided below.

4. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,  
Phillip G. Spaniol et al.

Dated: January 23, 2006

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